IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTONIO PEARSON,	:	
Plaintiff	:	
v.	:	Case No. 3:09-cv-97-KRG-KAP
PRISON HEALTH SERVICE, et al.,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C.§ 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on April 22, 2009, docket no. 2, recommending that the plaintiff's complaint be dismissed without prejudice for failure to state a federal claim.

The parties were notified that, pursuant to 28 U.S.C.§ 636(b)(1), they had ten days to file written objections to the Report and Recommendation. Plaintiff filed objections, docket no. 9, which are meritless.

After de novo review of the record of this matter, the recommendation of the Magistrate Judge, and the objections thereto, the following order is entered:

AND NOW, this 21st day of May, 2009, it is

ORDERED that the complaint is dismissed without prejudice to plaintiff proceeding on any state law claims in state court under 42 Pa.C.S.§ 5103. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Antonio Pearson BL-0521
S.C.I. Somerset
1600 Walters Mill Road
Somerset, PA 15510